IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1803 OF 2004
IN
INCOME TAX APPEAL (L)NO.486 OF 2004

Commissioner of Income Tax ..Applicant
Vs.
M/s.Khatau Junker Ltd. ..Respondent

Mr.A.D.Kango for the Applicant.
Ms.Asifa Khan i/b.D.M.Harish & Co. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.
DATE : 26TH JUNE, 2007

P.C.

1. Heard the learned Counsel for the parties. By this Notice of Motion, the Applicant is seeking condonation of 189 days delay in filing the above Appeal. However, in the above, the Scrutiny Report was called for after the expiry of period of limitation for filing the Appeal. Even, the matter was sent for drafting the Appeal on 21st October,2003 and the Memo of Appeal was received on 21st April,2004 i.e. after a lapse of six months. There is absolutely no explanation with regard to the aforesaid delay. In view thereof, we are not inclined to condone the delay in filing the above Appeal. Hence, the Notice of Motion stands dismissed.

2. In view of the dismissal of the Notice of Motion, the above Appeal does not survive. Hence, the same stands dismissed.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**